IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.101of 2006

1. Mrs.Jayshree w/o. Nitin Mohod.
2. Mr.Nitin S/o. N. Mohod. ...Petitioners.

vs.

M/s.Tata Motors Limited. ...Respondent.

Mr.S.K.Chaurasiya i/b. A.M.Saraogi, for the Petitioners.

None for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 27th March, 2006.

P.C.:-

1. This is a petition filed under Section 34 of the Arbitration and conciliation Act,1996 challenging the Award made by the sole Arbitrator. The first challenge to the Award is that the petitioners had raised an objection that the learned Arbitrator was appointed by the Claimant from the panel of the Arbitrators maintained by the Claimant, but that objection has not been decided by the arbitrator. The Respondent-Tata Motors Ltd. entered into an agreement with the petitioner which has arbitration clause, the arbitration clause empowers the respondent to appoint an arbitrator. The respondent has entered into

similar agreements with a large number of people. Therefore, the respondent maintains a panel of Arbitrators who are willing to work as arbitrators. As from that panel the arbitrator has been appointed, it does not mean that he is biased against the petitioner. In my opinion, the objection raised by the petitioner did not deserve to be considered and therefore, no fault can be found with the award on that count. The petitioner no.1 has also disputed her signature on the agreement. She has been examined as a witness. The learned Arbitrator has discarded her evidence on this aspect because in the witness box she has even disputed her own signature on the vakalatnama of the Advocate who was appointed by her to appear before the Arbitral forum. I do not find anything wrong in the approach adopted by the learned Arbitrator. The petition has no substance. Hence, it is rejected.